

Notice of Allowability

Application No.

10/674,763

Applicant(s)

KUWAMURA, NOBUHIRO

Examiner

Shane M. Thomas

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/3/06 and Terminal Disclaimer filed 9/25/06.
2. ☒ The allowed claim(s) is/are 1-4, 6, 7 and 9-16 (renumbered 1-14).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20061001.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061001</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

NOTICE OF ALLOWANCE

Prosecution for this Application has been assumed by Examiner Shane Thomas.

Terminal Disclaimer

The terminal disclaimer filed on 9/25/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent Application No. 10/666,000 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Drawings

Figures 2-5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated (refer to Applicant's specification as originally filed - ¶¶32-35 - which states the respective figures of "typical" magnetic disk devices. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

Pursuant to MPEP §704.01, the previous Examiner's search has been given full faith and credit, and only a cursory search was performed by the present Examiner.

Claims 1-4,6,7,9-16 (renumbered 1-14) are allowable over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As per the outstanding claims, the Examiner has reviewed the previous outstanding rejections under the prior art references of Codilian (U.S. Patent No. 6,462,896), Gerhart (U.S. Patent Application Publication No. 2002/0138692), and Shirakawa (JP 405334015A), in light of Applicant's argument (pages 8-14) filed with the response on 8/3/2006. The Examiner agrees with the Applicant's arguments in regards to the present claims being allowable over the prior art of record.

As per claims 1,7, and 9, the limitation of "if data is read from a second-parity-numbered track, determining a number of retries for reading the data, and if the number of retries reaches a threshold, writing the data from the second-parity-numbered tracks [back] to the second parity-numbered tracks," when taken in context of the claim as a whole is not taught by the prior art references, either alone or in combination.

As per claim 11, the prior art of record does not teach, either alone or in combination, "if the number of writes to a track exceeds a threshold, reading data from adjacent tracks and rewriting the read data from the adjacent tracks back to the adjacent tracks."

As per claims 12 and 13, the prior art of record does not teach or suggest, either alone or in combination, all of the limitations of each of the claims.

Art Unit: 2186

Claims 2-4,6,10, and 14-16, are allowable as being dependent upon an allowable base claim.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane M. Thomas whose telephone number is (571) 272-4188. The examiner can normally be reached on M-F 8:30 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2186

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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